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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,465	12/06/2001	Bahman Qawami	M-9913-1 US	3583

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PARSONS HSUE & DE RUNTZ, LLP - SANDISK CORPORATION
595 MARKET STREET
SUITE 1900
SAN FRANCISCO, CA 94105

EXAMINER

PYZOCHA, MICHAEL J

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 12/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/006,465

Applicant(s)

QAWAMI ET AL.

Examiner

Michael Pyzocha

Art Unit

2137

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 November 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: _____.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

1. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:

See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.


EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments filed 11/29/2006 have been fully considered but they are not persuasive. Applicant argues that Hirota fails to teach step (f) of repeating steps (a) through (e). With respect to this argument, Hirota teaches decrypting an AOB file as it is played and therefore when the next AOB file is played it must also be decrypted. Therefore the step of decrypting and the steps leading up to the decrypting must be repeated until everything is decrypted (i.e. completed). As a further note the step (f) is only performed when the entire track is not completed. Therefore giving the claim its broadest reasonable interpretation when a decrypted group of frames makes up the entire track step (f) need not be performed. Applicant next argues that there is no motivation to combine Tagawa with Hirota and that Hirota teaches away from the invention. With respect to Applicant's argument that there is no motivation to combine Tagawa with Hirota, as taught by Hirota (column 4 lines 17-19) one would be motivated to make such a combination in order to minimize the damage caused by the exposure of one of the encryption keys. Furthermore, as discussed above, Hirota teaches the limitations of claim 1 and is related to the problem addressed by the current invention as to decrypt information on a disk and therefore does not teach away from the claimed invention. Applicant also noted that the EPO stated claim 1 satisfies both novelty and inventive step, however the EPO and USPTO use different steps in determining patentability and therefore the information given by the EPO is not a persuasive argument with respect to patentability. Applicant also argues that there is no motivation to combine Lau and that the cited motivation is not adequate. With respect to this argument the motivation as given is to provide a real-time digital signal processing, although the motivation may be the same as used by the Applicant it is still taught by the cited references because all the processing in Hirota and Lau is done in real time. Applicant argues that the API of Saxena is not related to a system with encryption and decryption and therefore is not combinable with Hirota and Tagawa. With respect to this argument all references, including Saxena, and Applicant's invention relate to the transfer of media therefore the references are analogous art. Furthermore, when considering the combination as a whole, the API of Saxena which controls the playing of data would control the decryption of the data of the combined Hirota and Tagawa because the media cannot be played back without decrypting it first. With respect to Applicant's arguments towards the Ansell reference, Applicant's are first thanked for pointing out the clerical errors and Applicant's assumptions put forth on page 15 are correct. Applicant argues that Ansell does not teach a doubly encrypted key. The master media key of Ansell is encrypted by the portable media player and sent back to the player and since the communications between the portable media player and player are secured using the session key the master media key is encrypted by using the read-only key of the portable player and by the session key used for the secure communications. When applying this teaching of doubly encrypting a key one would be motivated in order to provide a secure communication between two parties. Therefore when this teaching is combined with the teachings of Hirota and Tagawa the secure communication is between the media and the memory of the device. One of ordinary skill in the art would recognize that there are many advantages to any type of secure communications and therefore would be further motivated to use the teachings of Ansell. Applicant argues that Turgeon is not analogous art, Turgeon fails to disclose an API and there is no motivation to combine the four references. With respect to the argument that Turgeon is not analogous art, Turgeon relates to accessing encrypted information on removable media, as does Applicant's invention. Therefore they are related to the same problem being solved of reading secured information. With respect to Applicant's argument that Turgeon fails to disclose an API, Saxena was relied upon for the teaching of an API as discussed above. In response to applicant's argument that the examiner has combined an excessive number of references, reliance on a large number of references in a rejection does not, without more, weigh against the obviousness of the claimed invention. See *In re Gorman*, 933 F.2d 982, 18 USPQ2d 1885 (Fed. Cir. 1991).